REMARKS

Please reconsider the application in view of the following remarks.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1, 8 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551).

The Examiner has rejected claims 2, 9 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551) further in view of Kisono (US 6,906,829).

The Examiner has rejected claims 3, 10 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551) further in view of Murata (US 7,139,088).

The Examiner has rejected claims 4, 11 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551) further in view of Wu (6,519,051).

The Examiner has rejected claims 5, 12 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551) further in view of Reifman (US 5,438,433).

The Examiner has rejected claims 6, 7, 13, 14, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Tonegawa (US 7,136,184) in view of Peek (6,614,551) further in view of Reifman (US 5, 438,433) and further in view of Murata (US 2004/0012806).

Each of the above rejection is respectfully traversed.

Independent claims 1, 8 and 15

Claim 1 as previously presented calls for ... *means for serially converting the image data of a page of said original document for the facsimile communication into plurality of packets as electronic mail data, said converting into the plurality of packets occurring in parallel with the scanning of said page of the original document; and ....*

Claim 8 as previously presented calls for ... *a data conversion unit which serially converts the image data of a page of said original document for the facsimile communication into plurality of packets as electronic mail data in parallel with the scanning of said page of the original document; and ....*

Claim 15 as previously presented calls for ... *converting the image data of a page of said original document for the facsimile communication serially into plurality of packets as electronic mail data in parallel with the scanning of said page of the original document; and ....*

For example, Fig. 3 (d) illustrates the electronic mail data generation state for converting the image data that is formed for the three pages of original documents into electronic mail data (electronic mail data generation process): **D1 through D3 show packets of electronic mail data that were converted from the image data P1D (generation state); D4 through D6 show packets of electronic mail data that were converted from the image data P2D (generation state); D7 through D9 show packets of electronic mail data that were converted from the image data P3D (generation state).** That is, in this example, the image data are respectively divided into three packets, and electronic mail data are formed. The data conversion unit 24 operates as the electronic mail data generating function (data converting function) that executes the electronic mail data generation process with the control unit 10. *see paragraph [0038] of the present specification.*

For example, Fig. 3 (e) illustrates the electronic mail transmission state via the LANIF 16 (electronic mail transmission process), and shows that a part of the electronic mail is transmitted serially each time **the electronic mail data (D1 through D9) are formed**. Reference numeral MH shows an electronic mail transmission header, and MD1 through MD9 show electronic mail transmission data. The electronic mail header MH corresponds to the electronic mail header H, and **the electronic mail data MD1 through MD9 correspond to the electronic mail data D1 through D9**.... *see paragraph [0040] of the present specification.*

In other words, when the generation of the electronic mail header H is completed, the electronic mail transmission header MH is transmitted, and **when the generation of the electronic mail data D1 is completed, the electronic mail transmission data MD1 is transmitted so on and so forth until the electronic mail transmission data MD9 corresponding to the electronic mail data D9 of the third and final page 3 (P3), is finally transmitted**. The electronic mail transmission data is transmitted serially according to the generation of the corresponding electronic mail data. *see paragraph [0042] of the present specification.*

On page 3 of the Office Action, the Examiner contends that, in column 2, line 65 to column 3, line 13, Tonegawa teaches means for serially converting the image data of a page of said original document for the facsimile communication into [plurality of] packets as electronic mail data. The Examiner argues that since the network is packet based, the image is sent via packets. Applicants respectfully **disagree** with the Examiner's conclusion.

In column 2, line 65 to column 3, line 13, Tonegawa discloses the following:

> "[i]n order to achieve the above objects, the first communication apparatus according to the present invention has the following arrangement. A communication apparatus for providing a facsimile communication **via a packet communication network**, comprises image data acquisition means for acquiring image data having a predetermined resolution, **conversion means for converting the image data into image data having a predetermined number of pixels**, sending information acquisition means for acquiring sending information of the image data, generation means for generating sending information image data using the sending information, and sending means for generating an e-mail message on the basis of the sending information, **generating composite image** data by **combining** the **converted image data and the sending information image data**, and **sending the e-mail message attached with the composite image data**." (emphasis added)

In other words, in Tonegawa, an image is read at a predetermined resolution, header information such as a date, time, sending information destination information, and the like **is appended to image data obtained by converting the read image data into image data having a predetermined number of pixels**, and an **e-mail message appended with the image data containing the sending information image data** is then sent. *See also column 15, line 58 to column 16, line 5.*

In contrast, as noted in the example above, the claimed invention serially **converts** the **image data of a page** of the original document for the facsimile communication **into plurality of packets** as electronic mail data.

More importantly, on page 2 of the Office Action, the Examiner acknowledges that "Tonegawa does not teach said converting [into the plurality of packets] occurring in parallel with the scanning of said page of the original document.

Nonetheless, the Examiner contends that "Peek does teach said converting [into the plurality of packets] occurring in parallel with the scanning of said page of the original document (Column 6, lines 29-31, wherein the fax type data is the packets of the pages)." Furthermore, the Examiner argues that "Tonegawa and Peek are combinable because they both teach sending faxes via electronic mail. Therefore [the Examiner contends] it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tonegawa with the teachings of Peek for the purpose of speeding the fax process by concurrently transmitting the fax type data to known fax machine as it is generated as taught by Peek (Column 6, lines 29-31)." Again, Applicants respectfully **disagree** with the Examiner.

As illustrated in Fig. 4A and in column 6, line 15 to line 34, Peek discloses the following:

> "[i]f it is determined that it will be a fax transmission, **then the machine operates as a standard fax machine**. In particular, according to box 370, **a modem of the fax machine dials another fax machine. It does that by dialing the destination telephone number**, which is the entered destination address or at least a portion of it. **Then the fax machine establishes a fax type handshake with the called machine, according to box 380.** This can be accomplished by the two fax machines issuing a series of tones to each other, according to known fax machine protocols. **Then, according to box 390, the fax machine transmits the stored image data**

> **to the called fax machine via the telephone line.** Alternately, **the fax machine can scan the image to generate fax type data, and concurrently transmit it to the fax machine.** After transmission is complete, **the modem hangs up the telephone line**, according to box 395, and **the machine is ready for another use**." (emphasis added)

Applicants respectfully point out to the Examiner that the rejection based on the cited portion of Peek is improper because it teaches circuit switch data transfer and NOT the Packet switched data transfer.

In other words, as noted above **a modem of the fax machine dials another fax machine**, i.e., a circuit switch connection is established between fax machines by establishing an end-to-end circuit between the fax devices. The connections are temporary, continuous, and exclusive in nature. For example, as noted above, after transmission is complete, **the modem hangs up the telephone line,** and **the machine is ready for another use**. In other words, the connections are temporary as they are established and maintained only for the duration of the logical session, or call. They are continuous as they provide a specific amount of bandwidth, or capacity, continuously for the duration of the call. They are exclusive as the connection and the associated bandwidth are committed to only that call, i.e., are not shared with other transmissions.

Because the cited portion of Peek teaches circuit switched data, therefore, it is clear that Peek does teach said converting into the plurality of packets occurring in parallel with the scanning of said page of the original document.

Because the proposed combination of the aforesaid references does not teach or suggest at least the claimed elements and limitations in claim 1, 8 and 15, Applicants submit that claims 1-

21 would not have been obvious over these references. Accordingly, Applicants request that the rejection under 35 U.S.C. 103 be withdrawn.

Conclusion

The claims have been shown to be allowable over the prior art. Applicants believe that this paper is responsive to each and every ground of rejection cited in the Office Action in the Action dated April 4, 2008, and respectfully request favorable action in this application. The Examiner is invited to telephone the undersigned, applicants' attorney of record, to facilitate advancement of the present application.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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